

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 13, 2004
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Major Charles H. Smith, Salvation Army, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of March 16, 2004, and the Executive Session of March 23, 2004, were approved 7 to 0.

VICE-MAYOR

SELECTION OF VICE-MAYOR.

The Council proceeded to vote and on the first ballot, selected Council Member Brewer as Vice Mayor by a vote of 7 to 0.

OATH OF OFFICE

Council Member Brewer was administered the Oath of Office by Judge Jones.

AWARDS AND PROCLAMATIONS

PROCLAMATIONS

Proclamations were previously submitted.

AWARDS

Wichita's Promise-Youth Awards were presented.

UNFINISHED BUISNESS

NAMING COMM.

APPOINTMENT OF PUBLIC FACILITIES NAMING COMMITTEE. (DISTRICT I) **(DEFERRED APRIL 6, 2004)**

Dana Brown

DAB Supervisor reviewed the item.

Agenda Report No. 04-0309A

A Naming Committee is needed to select a name for Fire Station No. 10 being relocated to 21st Street N. & Chautauqua. It has been recommended that neighborhoods and businesses in this area would be appropriate representatives to serve on the committee. City Council Policy #13 pertains to naming public facilities and states that a Naming Committee will be established to review proposed and possible names and to submit a naming recommendation to the City Council.

A pre-selection committee was organized and met during March to obtain input from firefighters. The pre-committee was comprised of a neighborhood representative and both active and retired firefighters. They have selected three (3) names for the facility that are recommended for consideration by the Naming Committee. The names will be provided to the Naming Committee during their first meeting.

The policy of the City is to appoint a Mayor's Advisory Committee. Each City Council Member will nominate one (1) person to serve on the Committee. Appointees must be 18 years of age. The Committee will select one name for recommendation and present it to City Council for approval.

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No financial considerations except for the expense of making and placing the sign.

Council Policy #13 establishes the procedure for naming public facilities.

Motion-- Brewer moved to appoint Lois Tulley-Gerber, Sharon Meyers, James Thompson, Carrie Jones, Lt. and Wanda Givens to the Mayor's Advisory Committee to consider the proposed names for Fire Station No. 10. Motion carried 7 to 0.
--carried

MCCORMICK REALIGNMENT OF MCCORMICK FROM LEONINE TO SOUTHWEST BOULEVARD. **(DISTRICT IV) (DEFERRED APRIL 6, 2004)**

Chris Carrier Acting Director of Public Works reviewed the item.

Agenda Report No. 04-0355A

On July 1, 2003, the City Council approved an agreement with Newman University for the design of a project to relocate McCormick along the north perimeter of the campus. Newman University agreed to contribute \$50,000 for the concept design plans. The Staff Screening and Selection Committee selected MKEC Engineering Consultants (MKEC) to provide design services. On October 7, 2003, the City Council approved the design project budget and a contract with MKEC for the discovery phase. Newman University Officials have submitted a petition to construct the project. The signature on the petition represents 100% of the improvement district. A supplemental agreement with MKEC has been prepared for the completion of construction plans.

McCormick currently bisects the Newman University campus. Relocating the street to the north will create an opportunity for a central pedestrian mall linking the various University buildings.

The estimated project cost is \$1,263,000 with \$1,200,000 paid by the City and \$63,000 paid by special assessments to the University. The University share provides the \$50,000 contribution for the discovery design phase and \$13,000 for special ornamental streetlights and a part of the landscaping expense. The funding source for the City share is General Obligation Bonds. That cost is included in the 2004 Capital Improvement Program. The design fee to complete construction plans is \$83,600.

State Statutes provide that a petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the petition and the supplemental design contract be approved and the resolution adopted. Motion carried 7 to 0.
--carried

RESOLUTION NO. 04-165

Resolution of findings of advisability and Resolution authorizing improving McCormick, from Leonine to Southwest Boulevard, 472-83831, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ZON 2003-00069

ZON 2003-00069-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND GENERAL OFFICE TO NEIGHBORHOOD RETAIL. GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CENTRAL AND VASSAR. (DISTRICT II)
(CONTINUED FROM MARCH 16, 2004)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 04-0277A

MAPC Recommendation: Approve "NR" Neighborhood Retail (8-2-1).

Staff Recommendation: Deny.

DAB Recommendation: Approve, "GO" General Office (6-0).

The applicant is requesting to rezone a 0.59-acre tract from "SF-5" Single-family Residential and "GO" General Office to "NR" Neighborhood Retail. The applicant originally requested "LC" Limited Commercial zoning, but reduced the request to "NR" prior to the public hearings. The site is located on the southeast corner of Central and Vassar.

The surrounding property is zoned "GO" to the north and east, "TF-3" Two-family Residential and "SF-5" Single-family Residential to the southeast, south and southwest, and "LC" and "GO" to the west. A bank is located on the property to the west. An office, owned by the same owner as this request for rezoning, is located to the east. A single-family residence is located across the street from this office and single-family residences abut the remaining portions of the requested rezoning to the southeast, south and southwest. The property north of Central was recently approved for rezoning from "TF-3" to "GO" subject to a protective overlay and is vacant. Several residential structures were demolished during the past six months. The Wesley Hospital complex and associated uses are located to the northwest.

A lengthy zoning battle was fought on this site in 1979, when the owner requested "LC" but was granted equivalent to today's "GO" General Office and "SF-5". The case files noted the city's policy to stop business expansion along Central no farther east than Clifton.

At the District II Advisory Board meeting held February 2, 2004, the DAB voted (6-0) to deny "NR" and but allow "GO" subject to the same type of protective overlay provisions as the property to the north of Central. A group of neighborhood residents were present and spoke in opposition to the request. They discussed the impact of rerouting traffic from a commercial use onto narrow residential streets that are already overburdened with traffic from the nearby retail uses and the elementary school on Clifton. Residents on Vassar said several homes in the vicinity area being substantially remodeled. Further, home values had been low in the past and had been increasing recently. They felt strongly that the impact of the commercial use would be to reduce the value of their homes and halt the renovations underway.

After the DAB meeting, a neighborhood meeting was held where the proposed "NR" was again discussed. At this College Hill Neighborhood meeting held February 10, 2004, the agent for the applicant presented an alternative of opening a driveway aligned with Vassar north of Central as the fourth leg of the signalized intersection. Also, staff raised the possibility of using a one-way traffic pattern around the existing building on the adjoining lot (under the same ownership) to divert left-turn movements to the easternmost driveway on the adjoining "GO" lot.

Discussions have been held between neighborhood representatives and the agent after the neighborhood meeting. The agent has offered further restrictions to "NR" use if the lots were developed with nonresidential use. These restrictions would include eliminating the following uses: bank or financial institution; group residence, limited; correctional placement residence; recycling collection station, private; wireless communication facility; all industrial and agricultural uses. Restrict retail, general by eliminating department stores and automotive parts and accessories. Other restrictions would be a 30-foot building setback and a 10-foot landscape buffer on the south property line, allowing only one freestanding sign that would be a maximum of eight feet in height, and requiring residential character of buildings.

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While these restrictions lower the intensity of commercial use, they do not solve the overriding access problem of no left turns into or out of the property. The agent's suggested addition of a private driveway added as a fourth leg to the signalized intersection was reviewed by the Traffic Engineer and found to pose significant safety hazards: (1) shortening the median would allow traffic to jog across Vassar at Central and pose a traffic hazard to eastbound Central motorists, (2) the additional driveway would be less than 20 feet from Vassar, significantly below access management policies and add another multiple turning movement conflict, and possibly jeopardize the recent investments and redevelopment of the Central and Hillside. Wichita spent significant sums widening and improving traffic conditions at Central and Hillside last year. The traffic flow is already complex. The recent redevelopment at Wesley Medical Center and College Hill Square is a significant improvement in the community. Increasing the intensity of use for a single small parcel may negatively impact these other investments.

The Traffic Engineer has indicated the only way the proposed new driveway could safely function would be to make Vassar south of Central a cul-de-sac or reroute Vassar. The costs would include: reconstruction of the median, modification and addition of traffic signalization equipment, and the cost of installing the cul-de-sac or rerouting Vassar.

At the MAPC meeting held February 19, 2004, MAPC voted (8-2-1) to recommend "NR" Neighborhood Retail with the protective overlay restrictions. As at the previous DAB meeting and the neighborhood association meeting, a large group of neighborhood residents were present in opposition to the rezoning to commercial use, preferring the current zoning that would be office for the area along Central and residential (or parking lot) for the area to the south. The MAPC motion recommended adding restaurants as a prohibited use to the protective overlay. The protective overlay provisions recommended are:

1. Provide cross-lot connections with the property to the east in the same ownership; close one drive on Central and two of the three existing drives (the northernmost and southernmost) on Vassar.
2. Allow those uses permitted by right in the "NR" zoning district with the following "NR" (and "GO") uses prohibited: animal care, limited and general; bank or financial institution; broadcast and recording studio; cemetery; correctional placement residence, limited and general; funeral home; group home, limited, general, and commercial; group residence, general and limited; manufactured home; heliport; hospital; hotel or motel, marine facility, recreational; printing and coping, limited; recycling collection station, private; restaurant; school, elementary, middle, and high; vocational school; warehouse, self-service storage; wireless communication facility; and all industrial, manufacturing and extractive uses. Retail, general shall be allowed subject to the "NR" special restrictions and subject to prohibition of department stores and automotive parts and accessories.
3. The development shall meet all landscaping, screening, lighting, compatibility and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the residential edge(s) of the development for any nonresidential development, and meet the following requirements: provide a 30 foot building setback for nonresidential uses on the south property line and a 10 foot landscape buffer along the south property line; install a solid screening fence a minimum of six feet in height and plant trees at a rate of one tree per 20 feet along the south property line and the southern 100 feet of west property line, and maintain the existing solid evergreen screen and solid screening fence on the southern 100 feet of the east property line.
4. Restrict building height to 35 feet.
5. Restrict freestanding signs to one monument type sign no more than eight feet in height and subject to size limitations of the "NR" district.
6. Require nonresidential buildings to residential in architectural character and materials, including that metal shall not be used as exterior materials except for incidental accent or trim.
7. All uses shall be developed to minimize light trespass and glare from nonresidential uses to residential zoning districts by employing cut-off luminaries and by limiting light fixtures, including base and poles, to no more than 14 feet.
8. No sound amplification system for projecting music or human voices shall be permitted on the property if the music and/or voices can be heard within any residential zoning district, which is located within a 500-foot radius of the site.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Schlapp moved the revisions as presented be adopted and that the Ordinance be placed on second reading. Motion carried 7 to 0.

ORDINANCE NO. 46-138

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Schlapp moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2003-00069

NEW BUSINESS

**PRESBYTERIAN
MANORS, INC.**

REQUEST FOR LETTER OF INTENT FOR HEALTH CARE FACILITIES REFUNDING REVENUE BONDS, PRESBYTERIAN MANORS, INC.

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0378

In 1990, the City Council issued refunding and improvements revenue bonds to finance or refund previous financing on Presbyterian Manor, Inc. ("PMI"), facilities throughout Kansas. Presbyterian Manor Inc., a Kansas not-for-profit corporation, wishes to refinance its outstanding bonds and is requesting City Council approval of a Letter of Intent to issue its Health Care Facilities Refunding Revenue Bonds in an approximate amount of \$24,000,000.

Several years ago, as part of its decision to move its corporate headquarters to Wichita, PMI requested that the City act as a "host issuer" for consolidated IRB financings of PMI facilities located throughout Kansas. The City then entered into interlocal cooperation agreements with the Kansas communities that have PMI facilities. These agreements authorize the City of Wichita to issue Revenue Bonds on behalf of and with the consent/approval of the participating municipalities located in the state of Kansas. PMI has twelve retirement community facilities serving Kansas, 765 licensed intermediate care (IMF) and skilled nursing (SNF) beds to provide service and health care for Kansas' older adults. Its Kansas facilities have over 1 million square feet of various types of living and health care space on 143 acres of Kansas land. PMI employs 1,155 individuals in Kansas including 21 employees at their corporate headquarters and 92 employees at its 139,400 square foot retirement community in Wichita. PMI serves over 1,700 senior adult residents in Kansas and Missouri.

Bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A small portion of the bonds will be used to construct improvements for the PMI facilities in Kansas.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Refunding of Existing Bonds	\$20,166,808
New money capital project	4,200,000
Debt service reserve fund	1,625,000
Costs of issuance including underwriter's discount	661,650
Contingency for other potential costs	1,268,777
Total cost of Refinancing Project	\$27,922,235

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Ziegler Capital Markets Group, in Chicago, Illinois, has agreed to underwrite the bonds. Presbyterian Manor, Inc., is in compliance with the Standard Conditions contained in the City's IRB Policy.

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Presbyterian Manor, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc., does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel. The City's Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the a Letter on Intent for Health Care Facilities Refunding and Improvement Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$24,000,000, subject to the Standard Letter of Intent Conditions, be approved. Motion carried 7 to 0.

--carried

COMPLIANCE RPT.

COMPREHENSIVE COMPLIANCE REPORT.

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0379

The City of Wichita provides various financial incentives to attract and encourage business expansions. These include Industrial Revenue Bond (IRB) financing, Economic Development Tax Exemptions (EDX), CDBG loans and grants, and HOME funding. Monitoring is performed to ensure compliance with conditions associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding.

The Comprehensive Compliance Report reflects specific compliance conditions and current status of projects receiving City assistance through IRB, EDX, CDBG and HOME programs. During 2003, twelve IRBs were issued, one EDX approval, and 189 CDBG contracts were awarded. There were no HOME-funded multi-family projects completed during 2003.

As a requirement of the City's IRB Policy and Business Incentive Policy, there are a number of conditions that must be met before City Council approval. Compliance criteria for IRB and EDX include advertising for minority contractors, submittal of water conservation measures and an environmental assessment, and having site plans reviewed by a design council if building construction is involved. There are also a number of compliance conditions that are required on an ongoing basis such as submittal of an Equal Employment Opportunity/Affirmation Action Plan, paying an annual administrative service fee, job creation, and capital investment. For example, in 2003, all IRB and EDX companies are in compliance with the requirement to have an EEO/AA plan on file. 100 percent of all companies are in compliance with the IRB administrative fee requirement. As a result of the IRB and EDX projects that were approved in 2003, 186 new jobs will be created and Wichita businesses report a capital investment of over \$159.2 million. This compares to 289 jobs created and \$238.3 capital investment in 2002.

In order for projects to be approved for CDBG funding, the project must benefit low or moderate-income persons, or eliminate slum or blighting condition. The 2003 Comprehensive Compliance Report reflects 189 CDBG contracts were awarded with a total value of \$5.5 million. The percentage of minority contractor participation is 42%.

Developer/Project owners requesting HOME funding for residential apartment projects must contractually agree to maintain a certain number of affordable apartment units for income-qualified individuals/families. These units must be offered at rents that comply with HOME program regulations for a predetermined period of time (affordability period), which is based on the amount of HOME funds invested and project type. In addition, apartment units must be maintained in compliance with local housing standards during the affordability period. The Comprehensive Compliance Report reflects seven HOME funded projects valued at \$2.9 million, since 1994. There were no HOME-funded multi-family projects completed during 2003.

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Conditions of compliance are monitored regularly by City staff through annual on-site monitoring visits, contractor and subcontractor interviews, required annual monitoring surveys, annual recertifications, review of certain contractor and subcontractor payrolls, and review of required submittals. Businesses and agencies not in compliance are notified and required to work with City staff for the purpose of full compliance with all conditions.

There are no financial considerations or legal considerations.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the Comprehensive Compliance Report be received and filed. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, II, AND VI)

Kurt Schroeder

Superintendent of Central Inspection reviewed the item.

Agenda Report No. 04-0380

On March 1, 2004 a report was submitted with respect to the dangerous and unsafe conditions on seven (7) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on April 13, 2004.

On February 2, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	<u>Council District</u>
a. 508 North Cleveland	I
b. 643 North Gordon	VI
c. 3318 North Market	VI
d. 3121 East Maplewood	I
e. 2756 North Madison	I
f. 428 West Skinner	III
g. 6155 South Kansas	III

Pursuant to State Statute the Resolutions were duly published twice on March 3, 2004 and March 10, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Motion--

Mayans moved to close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of April 13, 2004; (2) the structure(s) has/have been secured as April 13, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of April 13, 2004 and will be maintained during renovation for properties **c) 3318 North Market and f) 428 West Skinner**. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-167

Resolution finding that the structure described as: Lots 17-18, Block 15, Jones Park Addition, Wichita, Sedgwick County, Kansas, commonly known as **3318 North Market**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-170

Resolution finding that the structure described as: Lots23-24, Suppl. Plat of Rosenthal's 5th , Wichita, Sedgwick County, Kansas, commonly known as **428 West Skinner**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

a) 508 North Cleveland

Kurt Schroeder

Mr. Schroeder reported that this property has quite a history of notices and his department had to do some boarding up of the property and nuisance abatements by the Health Department. A year and a half ago there was a new owner Mr. Isaiah Scott, who has not paid all of the delinquent specials yet and there is still delinquent 2003 taxes. The property is secure, however there was some trash, debris and tires in the rear of the property. Stated that Mr. Scott is asking for a deferral of a couple of weeks because he thinks he might have someone interested in buying this property to either demolish it or to repair it. If this does not happen in a couple of weeks, he has a plan to go ahead and repair the exterior.

Mr. Scott

Mr. Scott stated that he acquired this property a couple of years ago and his intent was to help a person to move into this property but since then she has declined to accept the offer on the property. He has acquired these problems and will take care of them and has a buyer that will buy the property but needs a little extra time to collect on it or to repair it or demolition it.

Motion--

Brewer moved to give an extension of 60 days but to have the remaining amount of the taxes and specials paid within one week and after 60 days if everything is not taken care of to proceed with Staff's recommendation for the property located at **508 North Cleveland**; and that the Resolution be adopted..

-- carried

Motion carried 7 to 0.

RESOLUTION NO. 04-166

Resolution finding that the structure described as: Lots30-31, Shirk's Addition, Wichita, Wichita, Sedgwick County, Kansas, commonly known as **508 North Cleveland**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

(b) 643 North Gordon

Kurt Schroeder

Mr. Schroeder reported that his office has had a case on this property since October 2001 and the property was opened at that time and being vandalized. The City issued a criminal complaint because the owner did not secure it and it went to court and eventually got the property boarded up at a cost of \$134.00. The owner deceased in 2002, there are quite a few delinquent taxes on this property and a pending special to be paid for nuisance abatement. The current owner is working with an attorney who is requesting a deferral and to give him a couple of weeks to work with the owner to make a final decision on their plan of action. Stated that this property is unsecured in the rear and accessible at this time.

Rodney Busey

Mr. Busey stated that the owner of this property has asked him to see what he could do to help her with this issue. Stated that after looking at the paperwork that she received, her name is not on any of the notices that were sent from the City. Stated that a client of his Chester Dine owned this property and deeded it to his son Jack and his wife to live in and when Mr. Dine passed away that is when the property started to deteriorate. Stated that he is requesting that the Council grant him an extension of a couple of weeks to decide what is the best thing to do regarding the property.

Motion--

Fearey moved to grant a two-week extension to the property owner with the understanding that by Friday, April 16th, the back door will be secured and the premises cleaned and within that two weeks a plan will be developed for paying the taxes and the assessment and if this not done to proceed with staff's recommendation for the property located at **643 North Gordon**; and that the Resolution be adopted. Motion carried 7 to 0.

-- carried

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d) 3121 East Maplewood

Kurt Schroeder

Mr. Schroeder reported that there has been an active case on this property for two and a half years and have been a number of notices issued to the owner. The property was boarded up by OCI at a cost of approximately \$100.00, the owner has deceased, the taxes are delinquent for 2001, 2002, and 2003 and there is not any pending specials. Currently the property is secured but there is tall grass, weeds and debris in the rear yard. Stated that there is a purchaser that would like to buy the property. Stated that Mr. Kirk thinks that he can have the closing done on this property within two to three weeks and is requesting time to make that closing, pay off the specials and repair the exterior of the structure within the 60 day time period from today.

Tom Kirk

Mr. Kirk stated that he has a contract on 3121 East Maplewood and is requesting an extension of two to three weeks to make sure that the title comes back clean and that this will be a cash deal and he is not waiting on a bank loan. Stated that as soon as he has the documents showing that the daughter is the rightful owner he will purchase the property and pay off the taxes at the closing and would like 30 more days to get the exterior of the property repaired.

Motion--

Brewer moved to grant an extension of 10 days to complete the closing and pay the back taxes and an additional 60 days to get the exterior of the property repaired and that if this is not completed within that time frame to proceed with staff's recommendation for the property located at **3121 East**

--carried

Maplewood; and that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-168

Resolution finding that the structure described as: Lot 19, Block 13, Shadybrook Addition, Wichita, Sedgwick County, Kansas, commonly known as **3121 East Maplewood**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

e) 2756 North Madison

Kurt Schroeder

Mr. Schroeder reported that there has been an active file on this property for eight to nine months and the property has been secured as a result of the notices. The taxes are delinquent for 2001, 2002 and 2003, there has been a nuisance abatement in November 2003 in the amount of \$1,000 to clean up the yard. Stated that there is an interested purchaser for this property, Mr. Ryan Brown, who is planning to close on this property within a couple of weeks and is asking for a 60 to 90 day extension to finish the repairs on the property. Stated that Mr. Brown is not sure if he will be residing there or use it as an investment property.

Ryan Brown

Mr. Brown stated that his initial concern is that he is waiting on the lending institution that he is purchasing the property from. Stated that he has a preliminary estimate on rehabbing the whole house and that once he has the title he is requesting 60 days to get the exterior repairs done.

Motion--

Brewer moved to grant an extension of two weeks to allow him to close and purchase the property and an additional 60 days to get the exterior repairs completed. In the event that Mr. Brown does not purchase the property, to proceed with staff's recommendation for the property located at **2756 North**

-- carried

Madison; and that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-169

Resolution finding that the structure described as: Lot 1, Block 2, Ridgecrest second Addition, Wichita Sedgwick County, Kansas, commonly known as **2756 North Madison**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

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g) 6155 South Kansas

Kurt Schroeder

Mr. Schroeder reported that his office has been working on this property for approximately nine months and there were problems with the property regarding not being secured and were receiving complaints regarding the debris. Stated that the taxes are delinquent for 2001, 2002, and 2003 and that there is not other pending specials for clean up. Stated that there appears to be a deal for the sale of this property, which would be a cash transaction. The new owner Tony Clyma and his mother want to raise the structure and build a new home on it and are looking at 60 days to get that done. The current owner Jess Garton is also present.

Jess Garton

Mr. Garton stated that he has a verbal contract with a buyer, who is going to assume the back taxes within two weeks.

Motion--

Lambke motion to grant an extension of two weeks to get the property transferred to the buyer and if it is not assumed by a new owner within that time, to proceed with staff's recommendation for the property located at **6155 South Kansas**; and that the Resolution be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-171

Resolution finding that the structure described as: Lot 7, Block 7, South Hydraulic Garden's, Wichita, Sedgwick County, Kansas, commonly known **6155 South Kansas**, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0.

PARATRANSIT

RECERTIFICATION OF PARATRANSIT ELIGIBLE PASSENGERS.

Jay Banasiak

General Manger of Wichita Transit reviewed the item.

Agenda Report No. 04-0381

The Americans with Disabilities Act (ADA) requires the City to provide paratransit van service to persons who, as a result of a physical or cognitive disability, are unable to independently access or use fixed route transit. The ADA requires the establishment of an eligibility determination process based on a person's functional ability [§37.125].

In order to facilitate implementation of the ADA, the Federal Government in 1992 provided transit properties with a very simple eligibility determination process. The City still uses that process which is classified as a "self-certification with professional verification" method. Although the simple process helped to attain initial implementation of the ADA, it fails to achieve the full intent of law for ADA paratransit eligibility to be based on an individual's functional inability to travel by way of regular fixed route transit. The result has been granting, in many instances, paratransit eligibility to persons who have the ability to ride regular fixed route transit.

Present trends for WT show a need for recertification. There has been a 322% increase in paratransit ridership from 1992 to 2003. Cost per passenger for bus fixed route service is \$2.63, while paratransit van riders cost \$5.26 per passenger. Further, the Special Services Division's budget, as part of the entire transit services budget, was 7.68% in 1992, while now it comprises 21%.

To assist Wichita Transit with developing the recertification proposal, in January of 2003, the City Manager directed that a Mobility Advisory Task Force (MATF) be formed. MATF membership included representatives of the City of Wichita, Sedgwick County's Department of Aging, Wichita's Independent Living Resource Center (ILRC), KETCH, Envision, Comprehensive Community Care of Sedgwick County (Comcare), and the Cerebral Palsy Research Foundation of Kansas (CPRFK). After numerous meetings, MATF developed the following recertification plan recommendations:

1. Recertification of persons with ADA Paratransit Eligibility needs to include an "in-person" interview by a third-party contractor. (In the event a contractor is not feasible, professional in-house staff is recommended.)

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2. If an applicant's eligibility classification is unclear after the "in-person" interview, then a physical and/or cognitive functional assessment needs to be administered.
3. Recertification needs to delete the requirement for professional verification of the applicant's application.
4. Environmental barrier analysis shall be conducted on a case-by-case basis.
5. Development of a formal travel-training program.
6. Development of sensitivity and disability awareness training for WT staff.

It will take three (3) years to recertify all current paratransit riders, along with new riders. Based on other transit systems that have already implemented "in-person" interviews, WT estimates cost avoidance, less revenues, are: \$63,000 in year one, \$126,000 in year two, and \$189,000 in year three. This cost avoidance is realized with present paratransit riders utilizing fixed route bus service, and simply some present paratransit riders not ADA eligible at all.

In the October 28, 2003 City Council Workshop, Council recommended staff to present the recertification plan to the DABs for review and comments.

On March 1 and March 3, 2004, the proposal to recertify ADA Paratransit Eligible persons was presented to the Neighborhood District Advisory Boards (DABs). All six DABs recommended that recertification be pursued as developed by the Mobility Advisory Task Force (MATF) and as presented by Staff.

Recertification will involve costs not currently experienced by the City. Based on preliminary cost estimates, a third-party professional service will cost up to \$90,000 annually. If in-house certification is WT's only option, additional City staff would need to be hired, and that cost is estimated at \$82,000, including fringes, but not including costs associated with establishing a site for interviews and testing. The bulk of funding for this recertification process will be through federal and state grants; with \$12,800 matched by City funds already budgeted in the Transit fund.

The ADA provides for recertification of ADA paratransit eligible persons at reasonable intervals [§37.125(f)]. The ADA further requires that ADA paratransit eligibility be strictly limited to individuals who, without assistance, are unable to access or use regular fixed route transit because of a physical or cognitive disability [§37.125(a)].

Council Member Gray Council Member Gray stated that if this is approved he would like to see the Wichita Transit Department bring forth an analysis to the Council for the next three years to show the Council if the cost savings is what was estimated because he would hate to see the City spend more to limit people and not have actual savings on this program.

Council Member Martz Council Member Martz stated that he has no problem with the program but would like to see a change in the verbiage because disabled people do not like to be addressed as "a disabled person" but rather "a person with a disability".

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Lyndon Drew Mr. Drew stated that he is the Director of the Catholic Charities Foster Grandparent Program and is worried that many people that need this service are going to lose their eligibility for it and sees only two options under this proposal. Stated that he is particularly concerned with the 40 foster grandparents that he works with and who use the paratransit system and they stand to lose eligibility if they do not qualify under these very strict standards that Wichita Transit would adopt. These people are important because they help the community by helping with children, helping in schools and shelters and hope that the community does not lose their service and hope that they do not lose the opportunity to serve. Stated that he is also concerned about everybody else who may be using the service and may be denied eligibility. Stated that he questions that so many dollars will be saved under this proposal and questions the determination cost. Stated that he thinks that there will be a lesser impact on the cost side from this proposal and maybe the savings are not worth the cost to all the riders that will be determined ineligible. Mr. Drew stated that he has two or three alternatives to present, which are: to grandfather the existing riders; to create another eligibility standard for riders who do not qualify for service under the ADA. This option also allows Wichita to charge a premium fare for riders, instead of \$2.00 a ride, Wichita could charge \$3.00 a ride for non-ADA passengers; and another alternative is for programs like

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Catholic Charities to create its own transportation system for its consumers but that this is not the direction that Wichita needs to go in. Instead of every provider running its own system, we need a coordinated system of transportation for the community.

- Council Member Gray Council Member Gray stated that this would provide a better service for the people who need this service and omitting the people who do not belong in this program.
- Wynona Brown Ms. Brown stated that she is a foster grandparent and that she does rely on this service and that she had to get certified when she first started using this service. Does not understand how a third party would know more about you than your own doctor. Stated that she is two to three blocks from a bus that she would have to walk to get to her bus stop and leave her job early in order to get to the bus stop on time. Stated that she is not able to walk that far and that it is too dark and unsafe.
- Dorothy Nixon Ms. Nixon stated that she does not know how they are going to kick 40 people off the bus and is not going to apologize for being old. Stated that most of the people that she sees on these buses need to be on them and that some of the other ride options cost anywhere from \$25.00 to \$30.00 a trip.
- Judy Wiegel Ms. Wiegel stated that this program is only to monitor the 3,200 people that are on the list and that out of those 3,200 people, that 20% could include people that are either deceased or moved away or have gotten better. Stated that part of the purpose of re-certification is to make sure that this service is being provided to the people who need it, not to kick people off the service. Stated that she feels a lot of the concern is the unknown and fear but as a participant of that committee, it is not their intent to kick people off who need the service but more to monitor that the people using the service really need it and are not just using it for a convenience.
- Council Member Brewer momentarily absent.
- Cybil Strum Ms. Strum stated that she is disabled and cannot get disability. Stated that NTA is always late and their stairs are too high.
- Marge Zakoura-Vaughan Ms. Vaughan stated that this issue affects people both in their lives and in their pocketbooks. She is an advocate for seniors and has a long career with aging services. Stated that many people will simply not get out of the house, they will not be able to wait at the corner to ride the bus. Asked how can the City spend so much money not to serve people. Stated that figures have been given regarding some of the cost but that there are also references to hiring two more people and building or enlarging a building. Asked the Council to please let us not spend the money to develop this system, which will require extensive evaluations and let us not take people away from the ride that they need. The quality of life for people who are in their homes and not able to get their house is so severely limited. Asking the Council to look at options short of funding this expensive program and to work within the existing system.
- Council Member Fearey Council Member Fearey asked that if this program is started will there be a way to pull this group back together that worked on it to meet with them again to see how it is going in six months or after the RFP and recertifications are done.
- Jay Banasiak Mr. Banasiak explained that it will take a few months to get a third party contractor on board and to work on the travel training program, sensitivity training and from there three months to start certifying people. Six months might be a little short to get good data but that in nine months they would have six months of certification by then.
- Mayor Mayans Mayor Mayans stated that one of his concerns is that the number of clients for this service is not going to be sustainable unless the Council creates some interventions to deal with the situation and it is not fair to the new people that are coming up and not able to access this service because there might be people that are using this service that could probably use an alternative mode of transportation.
- Motion--
--carried Mayans moved to approve the recertification plan as presented and that staff return to the Council for an update of how well the program is working within nine months. Motion carried 7 to 0.

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CITY COUNCIL AGENDA

APPOINTMENTS.

BOARD APPOINTMENTS.

- Council Member Brewer Council Member Brewer stated that he would like to accept the resignation of David Wells from the MAPC. For the Fire Station Naming Committee; five people were identified earlier and he would like to add two more names to this committee. Stated that because he has a police officer on this committee, he should add a firefighter but to let Chief Garcia choose that person; and to add Teresa Foster-Brown.
- Council Member Gray Council Member Gray stated that he would like to accept the resignation of Iola Crandall from the DAB and appoint Marjorie Griffith as her replacement.
- Council Member Fearey Council Member Fearey stated that she has been in discussion with John De Angelo about the Art Task Force that was appointed a couple of weeks ago and she is hoping that they can agree as to a Council to have Mr. De Angelo try and find someone who is willing to serve from the Hispanic Arts Council. Stated that on the Arts Task Force, she would like to accept Brian Derreberry's resignation and appoint Susie Alstrand as his replacement.
- Mayor Mayans Mayor Mayans stated that he would like to accept Winston Kenton's resignation from the Police and Fire Retirement Board of Trustees and appoint Lazaro San Martin as his replacement.
- Motion--carried Mayans moved to accept the resignations and approve the appointments. Motion carried 7 to 0.

CONSENT AGENDA

- Motion--carried Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 12, 2004.

Bids were opened April 9, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water distribution system to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (448-89756/735181/470851) Does not affect existing traffic. (District V)

Mies Construction - \$43,115.50

Water distribution system to serve Remington Place Third Addition - south of 21st Street North, east of Webb. (448-89917/735183/470853) Does not affect existing traffic. (District II)

Mies Construction - \$48,670.75

Founders Circle (Wawona) from the south line of 21st Street North to the north line of Lot 3, Block 1 to serve The Collective Addition - south of 21st Street North, east of K-96. (472-83455/765834/622089/490945/672122) Traffic on 21st Street North shall be maintained thru construction. (District II)

Kansas Paving Company - \$99,185.90

Thurman from the west side of the plat to the west line of Suncrest Ave.; Suncrest Ave. from the east line of Thurman to the east side of the plat (between Lots 1, 2 & 3, Block A and Reserve "C"); Suncrest Ave. from the east line of Suncrest Ct. to the east line of the plat (between Reserve "C" and Lot 33, block D); 15th St. N. from the west line of Lot 6, Block B, east to Nantucket; Nantucket from the west line of Lot 16, Block D, east to Thurman; Suncrest Ct. south from Suncrest Ave. to and including the

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cul-de-sac; Sidewalk on Thurman and Suncrest Ave. to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (472-83935 /765849/490960) Does not affect existing traffic. (District V)

Kansas Paving Company - \$207,569.20

Lateral 6, Main 19 Southwest Interceptor Sewer to serve Ridgeport North 5th Addition - south of 37th Street North, east of Ridge. (468-83524/744044/480732) Does not affect existing traffic. (District V)

WB Carter Construction - \$181,231.00

Lateral 45, Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83773/744046/480734) Does not affect existing traffic. (District II)

McCullough Excavation - \$9,350.00

Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89920/735180/470850) Does not affect existing traffic. (District II)

Wilks Underground - \$4,113.00

Lateral 14, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83726/744034/480722) Does not affect existing traffic. (District V)

Utility Contractors - \$486,903.00

Lateral 101, Sanitary Sewer #23 to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (468-83106/744037/480725) Does not affect existing traffic. (District VI)

Utility Contractors - \$429,220.50

Motion--

--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

FIRE DEPARTMENT/FIRE MAINTENANCE DIVISION: Motorola MTX8250 Radios & Accessories.

West Kentucky 2-Way Radio, Inc. - \$29,497.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/STORM WATER DIVISION: Drainage Grates & Catch Basins.

East Jordan Iron Works - \$30,007.70 (Group 1 total net bid)

\$ 44.9000 (Group 1/Item 1/per unit cost)

\$ 629.0200 (Group 1/Item 2/per unit cost)

\$ 387.0000 (Group 1/Item 3/per unit cost)

\$ 312.0000 (Group 1/Item 4/per unit cost)

\$ 367.5000 (Group 1/Item 5/per unit cost)

FINANCE DEPARTMENT-IT/IS DIVISION: Twenty-nine (29) Dell PC's for SCADA Project.

Dell Marketing* - \$50,729.28 (Computer Hardware Equipment Contract, City of Wichita – BP300093)

*Purchases utilizing City of Wichita Contract – Blanket Purchase Order (BP300093)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Model 7300DX Color Printers.

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CDW Government Inc.* - \$11,890.00 (Total base bid)
\$ 2,258.00 (Option 1)

*Redirect award

Motion-- Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
--carried and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

	Adult Entertainment Industries Inc.*	
Lewis F. Self, Jr.	*dba After Dark Video	2809 North Broadway
Lewis F. Self, Jr.	*dba After Dark Video	3721 South Broadway
Lewis F. Self, Jr.	*dba After Dark Video	7805 Kellogg

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion
--carried carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
James D. Crowder	Tropics Lounge*	2705 North Broadway
Ricky D. Morey	Morey's Deli & Keno*	3316 South Broadway
Jose L. Mejia	El Jalisco Restaurant*	617 East 47th Street South

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Stan Edde	Falley's Inc. dba Food 4 Less #60	1607 South Georgetown
Stan Edde	Falley's Inc. dba Food 4 Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food 4 Less #62	1910 West 21st Street North.

<u>New</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Linda J. Brill	Uncle Russell's BBQ & Catering*	1346 South Mosley

<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Rod Wentling	Charlotte's Rib*	1548 Ida

<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Brandon Diep	Speedway	565 South Market

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried
--carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) 2004 Contract maintenance hot-in-place asphalt repaving (various locations north of Douglas - east of Hydraulic. (472-83921/132716/620398/_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II) - \$428,780

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- b) Lakecrest Circle from the north line of Havenhurst, north to and including cul-de-sac; Havenhurst from the west line of the plat, east to the west line of Lakecrest; Lakecrest from the east line of Havenhurst, south to the north line of 37th Street North; Lakecrest Court (Lots 9 thru 17, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lots 1 thru 6, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lot 3, Block D, and Lots 1 thru 3, Block C), from the south line of Lakecrest, south to and including cul-de-sac to serve Ridge Addition - north of 37th Street North, west of Ridge. (472-83888/765832/490943) Does not affect existing traffic. (District V) - \$303,000
- c) Water distribution system to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (448-89473/735170/470840) Does not affect existing traffic. (District VI) - \$170,000
- d) 20th Street from the east line of Webb Road to 220' east of the east line of Webb Road to serve Hanley Second Addition - south of 21st Street North, east of Webb. (472-83937/765844/490955) Does not affect existing traffic. (District II) - \$100,000
- e) Planeview grant funded sanitary sewer reconstruction, Phase 2 N/A - south of Pawnee, east of Hillside) (468-83675/620378/663499. Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$238,000
- f) 2004 sanitary sewer reconstruction Phase 3 (various locations) - north of 31st Street South, between 119th Street West and Webb Road. (468-83763/620401/664521) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,VI) - \$275,000
- g) 2004 sanitary sewer rehabilitation Phase B (various locations) - north of Kellogg, between Maize and Woodlawn. (468-83764/620400/664520) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,V,VI) - \$269,000
- h) Lateral 361 Four-Mile Creek Sewer to serve Gateway Center and Kiser West Additions - south of 13th Street North, east and west of Greenwich. (468-83747/744042/480730) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$331,000
- i) Water distribution system to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (448-89827/735179/470849) Does not affect existing traffic. (District V) - \$64,000
- j) Lateral 13, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing & Tyler's Landing Second Additions - south of 37th Street North, east of Tyler. (468-83725/744033/480721) Does not affect existing traffic. (District V) - \$295,000
- k) Lateral 37 Cowskin Interceptor Sewer to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (468-83634/744045/480733) Does not affect existing traffic. (District V) - \$85,000
- l) Eberly Court from the west line of 119th Street West, to and including the cul-de-sac to serve Laurel Acres and Unplatted Tracts (south of 21st Street North, west of 119th Street West) (472-83886/765847 /490958) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$190,800
- m) 2004 Contract maintenance ultra thin asphalt Overlay - various locations north of Harry, east of Maize Road. (472-83924/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI) - \$521,300
- n) Water distribution system to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (448-89891/735167/470837) Does not affect existing traffic. (District V) - \$187,000
- o) Lateral 33 Cowskin Interceptor Sewer to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83549/744048/480736) Does not affect existing traffic. (District V) - \$34,000

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- p) Water distribution system to serve Southern Ridge Addition - south of Pawnee, west of Maize. (448-89766/735182/470852) Does not affect existing traffic. (District V) - \$44,000
- q) Lateral 5, Main 5 Northwest Interceptor Sewer to serve Copper Gate Estates Addition -south of 13th Street North, west of 135th Street West. (468-83533/744047/480735) Does not affect existing traffic. (District V) - \$154,000
- r) Lateral 44, Main 24 War Industries Sewer to serve Remington Place 3rd Addition - south of 21st Street North, east of Webb. (468-83768/744049/480737) Does not affect existing traffic. (District II) - \$187,500
- s) Water distribution system, Phase 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89836/735184/470854) Does not affect existing traffic. (District V) - \$59,000
- t) Water distribution system, Phase 5 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89837/735185/470855) Does not affect existing traffic. (District V) - \$25,000
- u) 35th Street South from the south line of Lot 31, Block A, north and east to the west line of Maize Road; 35th Court South from the west line of 35th Street South north to and including the cul-de-sac to serve Lots 23 thru 30, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 16 thru 22, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 11 thru 15, Block A; 35th Court South from the south line of 35th Street South north to and including the cul-de-sac to serve Lots 10 thru 23, Block B; Sidewalk constructed along one side of 35th Street South to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. (472-83804/765856/490967) Does not affect existing traffic. (District V) - \$519,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASMENTS

DEEDS AND EASEMENTS:

- a) Utility Easement dated March 16, 2004 from R&R Realty, L.L.C., a Kansas Limited Liability Company for tracts of land located in Lot 1, Block B and Lots 1 and 2, Block A, all in Tyler's Landing 2nd Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Dedication dated March 26, 2004 from Slawson Commercial Properties, L.L.C., for a tract of land located in the Northeast Quarter of Section 9, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (21st & Regency Park signal, OCA #765859). No cost to City.
- c) Public Utility Easement dated April 1, 2004 from The Elms, LLC for a tract of land located in Lots 26 through 43, Block 20, Schweiter's Ninth Addition to the City of Wichita, Sedgwick County, Kansas (Harry, I-135-GWB, OCA #706851). No cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

HIGHLAND SPRNGS

CONSTRUCT A SANITARY SEWER FOR HIGHLAND SPRINGS THIRD ADDITION, WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No. 04-0382

On May 20, 2003, the City Council approved a Petition to construct a sanitary sewer in Highland Springs 3rd Addition. The developer of the addition has submitted a new petition that includes a sewer main benefit fee in the project cost. The area was not previously included in a sewer main assessment district. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located west of 135th Street West, south of Central.

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The existing Petition totals \$85,000. The new Petition totals \$106,328. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-172

A Resolution amending Resolution No. 03-254 pertaining to Lateral 37 Cowskin Interceptor Sewer, (west of 135th Street West, south of Central) 468-83634, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HARBOR ISLE

CONSTRUCT A SANITARY SEWER IN HARBOR ISLE THIRD ADDITION, EAST OF MERIDIAN, SOUTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 04-0383

On October 21, 2003, the City Council approved a Petition to construct a sanitary sewer in Harbor Isle 3rd Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development located east of Meridian, south of 53rd Street North.

The existing Petition totals \$335,000. The new Petition totals \$540,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-173

A Resolution amending Resolution No. 03-546 pertaining to improving Lateral 101, Sanitary Sewer No. 23, (east of Meridian, south of 53rd Street North) 468-83106, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

TYLER'S LANDING

CONSTRUCT A SANITARY SEWER IN TYLER'S LANDING SECOND ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0384

On November 4, 2003, the City Council approved a Petition to construct a sanitary sewer in Tyler's Landing 2nd Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development located south of 37th Street North, east of Tyler.

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The existing Petition totals \$468,000. The new Petition totals \$585,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-174

A Resolution amending Resolution No. 03-578 pertaining to improving Lateral 14, Main 19. Southwest Interceptor Sewer (south of 37th Street North, east of Tyler) 468-83726, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

712 WEST DOUGLAS RENOVATE BUILDING FACADE AT 712 WEST DOUGLAS. (DISTRICT IV)

Agenda Report No. 04-0385

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 712 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The building is currently occupied by a restaurant. The proposed improvements consist of installing a new storefront with replacement windows and a centered door.

The estimated project cost is \$16,600, with \$12,600 paid by special assessments and \$4,200 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--
--carried Mayans moved that the Petition be approved, the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-175

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 712 West Douglas (north of Douglas, east of Seneca) 472-83992, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

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CLAIMS

REPORT ON CLAIMS ALLOWED MARCH, 2004:

Name of Claimant	Amount
Cox, Robert P.	\$1,498.19**
Kansas Gas Service	\$255.82**
Pham, Toan T.	\$1,479.96
Teter, Kimeron	\$215.93

**Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the report be receive and filed. Motion carried 7 to 0.

MURDOCK BRIDGE

MURDOCK STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (DISTRICT VI)

Agenda Report No. 04-0386

On December 2, 2003, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing improvements to the Murdock Street Bridge over the Little Arkansas River that includes rehabilitation of the abutments, piers, sidewalk, railing, and bridge deck. The Design Agreement with PEC requires PEC to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering services for the Murdock Street Bridge.

Payment to PEC will be on a lump sum fee not to exceed \$95,000, and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

NORTHRIDGE ADD.

CONSTRUCTION ENGINEERING AND STAKING IN NORTHRIDGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0387

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Northridge Addition on November 18, 2003. On March 16, 2004, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to Baughman will be on a lump sum basis of \$38,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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WASTE DISPOSAL

SPECIAL WASTE DISPOSAL SITE-CONTRACT.

Agenda Report No. 04-0388

The Contract for the disposal site for special waste with Red Carpet Landfill in Meno, Oklahoma, expires April 30, 2004. Since the Contract is expiring, a Request for Proposal was issued for the selection of a disposal site. The proposals were sent to 21 Municipal Solid Waste Sub-D Landfills with six responses received.

The prices for special waste disposal range from \$12.50 to \$28 per ton, including all fees. The current cost is \$19.44 per ton. The Staff Screening and Selection Committee met and selected the best and lowest responsive vendor, N.R. Hamm Quarry, Inc. in Perry, Kansas, at \$12.50 per ton.

Based on 2,400 tons, the present annual Contract price is \$46,656. By selecting N.R. Hamm Quarry, Inc. at \$12.50 per ton, the estimated annual cost will be \$30,000, which amounts to a decrease of \$16,656 annually. The 2,400 tons is an estimated annual tonnage based on the previous annual totals. Funding is available in the Water and Sewer Department Sewage Treatment Division budget.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

WEYERHAEUSER

CHANGE OF TRUSTEE BANK FOR INDUSTRIAL REVENUE BOND ISSUES, WEYERHAEUSER COMPANY. (DISTRICT IV)

Agenda Report 04-0389

On May 21, 1996, the City Council approved the issuance of Solid Waste Disposal Revenue Bonds to finance facilities for Weyerhaeuser Company. Weyerhaeuser has asked the City to approve a change of trustee bank from Bank One Investment Management Group to US Bank National Association as successor trustee.

Weyerhaeuser Company is requesting the change of trustee for its Industrial Revenue Bond Issue, Series V, 1996. On February 12, 2004, the City of Wichita was notified that Weyerhaeuser sent a letter to Bank One Investment Management Group announcing its removal as trustee of the Series 1996 Bonds. Bank One Investment Management relinquished their role as Trustee and US Bank National Association agreed to serve as the Successor Trustee. Weyerhaeuser has an established borrowing relationship with US Bank, and consequently, the proposed trusteeship is not in accordance with the City's policy or the conditions of the company's letter of intent. As a substitute for the City's normal requirement to prevent conflicts of interest by prohibiting borrowing relationships between Weyerhaeuser and the trustee, US Bank has agreed to resign as Trustee within 90 days of any default on the Bonds.

There is no financial impact on the City.

Motion--
--carried

Mayans moved that the modification of Letter of Intent condition be approved, the Tri-Party Agreement removing Bank One Investment Management Group, as Trustee and appointing US Bank as Successor Trustee approved and the necessary signatures authorized. Motion carried 7 to 0.

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RIDGE PORT NORTH RIDGE PORT NORTH FIFTH ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0390

The City Council approved the water distribution system, sanitary sewer and paving improvements in Ridge Port North 5th Addition on November 5, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Ridge Port North 5th Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$58,800, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

LIBERTY PARK LIBERTY PARK SECOND ADDITION & COPPER GATES ESTATES, SOUTH OF 13TH, EAST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0391

The City Council approved the paving improvements in Liberty Park 2nd Addition and Copper Gates Estates on November 18, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Liberty Park 2nd Addition and Copper Gates Estates. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$15,600, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HARVEST RIDGE HARVEST RIDGE ADDITION, WEST OF MAIZE, SOUTH OF 31ST STREET SOUTH. (DISTRICT IV)

Agenda Report No. 04-0392

The City Council approved the paving improvements in Harvest Ridge Addition on July 15, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of paving in Harvest Ridge Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$31,400, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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THE COLLECTIVE THE COLLECTIVE, EAST OF K-96, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 04-0393

The City Council approved the paving improvements in The Collective on December 12, 2003.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of paving in The Collective. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$15,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

REMINGTON PLACE REMINGTON PLACE THIRD ADDITION, SOUTH OF 21ST STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-0394

The City Council approved the water distribution system, sanitary sewer and paving improvements in Remington Place 3rd Addition on March 16, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Remington Place 3rd Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$56,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOX RIDGE ADD. FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 04-0395

The City Council approved the water distribution system and paving improvements in Fox Ridge Addition on June 10, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system and paving in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$31,450, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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COWSKIN CREEK

ACQUISITION OF A PERMANENT EASEMENT OVER A PORTION OF 12600 WEST 13TH STREET NORTH FOR 13TH STREET BRIDGE OVER COWSKIN CREEK. (DISTRICT V)

Agenda Report No. 04-0396

The City Council has approved the construction of a new bridge over the Cowskin Creek at 13th Street North. Part of the planned development calls for widening the right-of-way for 13th Street on the west side of the creek. This will require the acquisition of part of the property owned by Steve Peeples at 12600 West 13th Street North.

The tract required for right-of-way contains approximately 15,810 square feet. A temporary easement containing 24,410 square feet is also required. The project will cause the removal of property fencing, the entryway gate, several trees and part of the irrigation system. The owner has agreed to sell the required parcels to the City for \$34,500.

The funding source is general obligations bonds. A budget of \$35,000 is requested. This includes \$34,500 for the easement and \$500 for title work and closing costs.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

HOOVER IMPROV.

CHANGE ORDER - HOOVER IMPROVEMENT FROM SOUTH OF 31ST STREET SOUTH TO HARRY. (DISTRICT IV)

Agenda Report No. 04-0397

On March 4, 2003, the City Council approved a project to improve Hoover from south of 31st Street South to Harry. The Cessna Aircraft Company has requested that the project be expanded to include electrical conduit along Hoover adjacent to their new maintenance facility in order to accommodate future street lighting. Streetlights will be installed by Westar at the completion of the project. In addition, additional conduit is needed for wiring to coordinate two new traffic signal systems on Hoover at Cessna's main entrances.

Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$52,225. The original contract amount is \$7,293,945. The Change Order represents 0.90% of the original contract amount. The project funding sources are Federal Grants and Sedgwick County funds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT OF LAWSUIT-JASON YOUNG V. CITY OF WICHITA, CASE NO. 04 CV 496.

Agenda Report No. 04-0398

On July 11, 2003, a city-owned vehicle driven by an employee of the Wichita Water and Sewer Utility, ran a red light at the intersection of 13th and St. Paul and collided with a truck and trailer driven and owned by Jason Young. As a result of the accident, Mr. Young suffered a loss because of damage to both truck and trailer and because of additional expenses that he had to incur and a loss of revenue that he experienced in his business while he arranged to repair and replace his truck and trailer.

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The investigation of this accident indicates that the City would be found to be 100% at fault. Appraisal of the damages to Mr. Young's truck and trailer indicate that the cost to compensate him for the damages would be from \$18,000 to \$21,000. In addition, records indicate that Mr. Young experienced increased costs and lost revenue in his lawn-care business for several months as he attempted to operate with rented equipment and modified equipment. This figure is estimated at \$5,000 to \$7,000.

Mr. Young has indicated his willingness to accept \$23,500 in full settlement of his lawsuit.

The cost of this settlement will be paid from the City's tort claims fund and ultimately will be allocated to the Water and Sewer Utility.

The Law Department recommends acceptance of the plaintiff's offer of settlement of this lawsuit.

Motion--
--carried

Mayans moved that the settlement payment in Case No. 04 CV 496 for \$23,500 be approved.
Motion carried 7 to 0.

SEWER LINE

REROUTE LATER SEWER LINE IN 1400 BLOCK OF NORTH ROCK ROAD TO MINIMIZE RISKS OF SEWER BLOCKAGES IN CONDOMINIUM DEVELOPMENT, LOCATED AT 1441 NORTH ROCK ROAD. (DISTRICT II)

Agenda Report No. 04-0399

The City and the owners of the Kwan Court restaurant have been sued by two property owners who live in the condominium development at 1441 N. Rock Road for damages related to three sewer back-ups that have occurred on their property in the past 3 years. They contend that grease from the operation of the restaurant enters the City's sewer lines and causes these back-ups. The proposed project would reroute the sewerage flow from the restaurant into a line in Rock Road that has fewer connections as it flows to an interceptor in 13th Street and fewer turns than the existing line through the condominium development.

While there is dispute as to whether or not grease from the restaurant has caused all the back-ups that the property owners have experienced over the past 3 years, the rerouting of the restaurant's sewerage would remove any concern that the restaurant operation could contribute to future problems. The owners have claimed in their lawsuit that their properties have a significantly diminished market value because of the past back-ups due to grease and fears that future back-ups due to grease being released from the restaurant may occur. The project will remove that issue from the lawsuit. The cost of this project is just under \$18,000 and the claims by both plaintiffs in the pending lawsuit are well in excess of \$100,000 for loss in market value of their properties. The rerouting of the sewer line is a reasonable and economically feasible way to address these claims. The property owner will pay for ½ of these costs and the City will pay the other ½. The benefit to the City in rerouting the sewer will require that the work be completed as soon as possible so it is relevant to the pending lawsuit. The City has contacted several contractors to seek proposals and it received three responses. W.B. Carter submitted the lowest bid to do the work in the amount of \$17,950. W.B. Carter is prepared to begin work immediately and to complete the work within 30 days. While the work will involve some excavation on Rock Road, traffic will be carried through the project on the few days when this is necessary.

The cost to the City for this project will be approximately \$9,000. These costs will be paid from funds identified in the Water and Sewer Utility budget.

The construction of this project provides a very significant economic benefit to the City in connection with its defense of the pending lawsuit with owners of property in the development at 1441 N. Rock Road and the completion of this work is recommended by the Department of Law.

Motion--
-- carried

Mayans moved that the project be approved; a budget of \$18,000 for the project be authorized; and the Mayor be authorized to sign a contract with W.B. Carter to complete the work within the next 30 days.
Motion carried 7 to 0.

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BRIEFING ROOM

POLICE BRIEFING ROOM.

Agenda Report No. 04-0400

Currently, City Public Safety entities do not have adequate facilities for members of staff, other law enforcement agencies, and City leaders to meet and discuss issues of homeland security, major criminal cases, large disturbances or riots, or any other situation that may require significant input and a coordinated response. The current Police conference room is small, seating only eight people comfortably, and has no technological connectivity and very limited audio/visual capacity.

Annually, many situations arise which require 20 or more staff to convene. The Department's responsibility for security and emergency planning for the City of Wichita further exacerbates the need for a Police Briefing Room that has significant technological capabilities. During a significant event, a Police Briefing Room would be beneficial by providing City Staff a location to convene department personnel to quickly gather facts, receive input, analyze the situation, and formulate an appropriate response.

The Police Department currently has a 5th floor squad room (formerly used by the Traffic section, which was relocated in 2001) that has room for at least 20 people. The goal of this project will be to update and renovate this squad room for a Public Safety Briefing Room. To maximize the potential of this space, there will be some minor wall moves. In addition, computer and electrical lines will be installed and new furniture and audiovisual system will be purchased.

The total cost for the room renovations and furniture will be approximately \$40,000. Funds are available in the Police Remodel Project fund, a project created to fund remodeling opportunities in Police occupied City Hall space. The audiovisual system cost is estimated at \$20,000 and will be purchased through a COPS Technology Grant and Local Law Enforcement Block Grant.

Motion--carried

Mayans moved that the project be approved. Motion carried 7 to 0.

TRAINING GRANT

TRAINING GRANT TO STOP ABUSE AND SEXUAL ASSAULT AGAINST OLDER INDIVIDUALS OR INDIVIDUALS WITH DISABILITIES.

Agenda Report No.04-0401

Recently, the Police Department received notification of funding available for training grants through the Department of Justice, Office on Violence Against Women. The training grants will support projects that provide training to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, and local courts in recognizing, addressing, investigating and prosecuting instances of elder abuse, neglect, and exploitation.

There are no funds available to Police Department's Sex Crimes/Domestic Violence Unit for training. The City of Wichita is the applicant agency for the grant application, but will be working collaboratively with the Sedgwick County District Attorney's Office, the Wichita Area Sexual Assault Center, Catholic Charities, and Via Christi Regional Medical Center. If funded, the project will provide an avenue for educating law enforcement personnel, prosecutors, advocates, and nurses in a multi-jurisdictional and collaborative effort. The project will provide the Wichita community with a well-rounded, victim-oriented approach to the successful resolution of sexually violent and abusive crimes against elderly and disabled women.

For a two-year grant period, the application requests funding in the amount of \$81,480 to train law enforcement personnel, prosecutors, advocates, and nurses. There is no local match requirement.

The City Council has the authority to submit and receive the grant.

Motion--
--carried

Mayans moved that the application be approved and the necessary signatures authorized. Motion carried 7 to 0.

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SECOND READING ORDINANCES: (FIRST READ APRIL 6, 2004)

- a) Tax exemption - Cox Machine, Inc. (District V)

ORDINANCE NO. 46-131

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Cox Machine, Inc, so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) 2004 Street Rehabilitation Program. (Districts I & VI)

ORDINANCE NO. 46-132

An Ordinance declaring the Hydraulic, from the westbound K-96 Expressway off-ramp to 37th Street North and Seneca, from 53rd street North to 61st Street North (2004 Street Rehabilitation Program) 472-83925, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) Unpaid sewer service charges and/or water service charges sewer and/or water service

ORDINANCE NO. 46-130

An Ordinance making a special assessment to pay the cost of unpaid sewer charges and/or water service charges in the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) ZON2004-00005 - generally located at the southwest corner of Maple and 119th Street West. (District V)

ORDINANCE NO. 46-133

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2004-00005

- e) ZON2003-64 - located south of Kellogg on the west side of Greenwich Road. (District II)

ORDINANCE NO. 46-134

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2004-00005

- f) A04-04 - generally located southeast of the intersection of Gilbert Street and Clear Creek Street. (District II)

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ORDINANCE NO. 46-135

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A 04-04

g) A04-11 - generally located southwest of the intersection of 143rd Street East and 21st Street North. (District II)

ORDINANCE NO. 46-136

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A 04-11

h) A04-12 - generally located northwest of the intersection of 119th and Pawnee Road. (District IV)

ORDINANCE NO. 46-137

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A 04-12

i) 2004 arterial street design - Maple at Ridge Intersection. (District V)

ORDINANCE NO. 46-139

An Ordinance declaring the intersection of Maple and Ridge (472-83856) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA

John Schlegel

John Schlegel reported that all of the Planning Agenda items were consent items.

Motion--carried

Mayans moved that the Planning Agenda be approved as presented. Motion carried 7 to 0.

SUB 2003-136

SUB 2003-136-PLAT OF KRUG NORTH ADDITION, LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0402

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This unplatted site, consisting of 217 lots on 96.97 acres, has recently been annexed into the City and is zoned SF-5, single-family residential district.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, sidewalk and paving improvements. A Restrictive Covenant was submitted to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant was also

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submitted to allow the creation of a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (2) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-176

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89933 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-177

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System 448-89934(north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-178

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89935 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-179

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89936 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-180

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89937, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-181

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 227, 468,83972, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-182

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 228, 468-83793, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-183

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 604, 468-83794, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-184

Resolution of findings of advisability and Resolution authorizing improving Castle Rock from the south line of the Plat to the north line of Lot 4, Block c; on Peppertree from the west line of Castle Rock, west to the east line of Burning Tree; on Burning Tree from the south line of Peppertree to the north line of Lot 16, Block a; and on 22nd Street North from the west line of Castle Rock to the east line of Burning Tree. Castle Rock Ct. from the east line of Castle Rock, east to and including the cul-de-sac. Sidewalk be constructed along one side of Castle Rock, Peppertree, Burning Tree and 22nd Street North, 472-83973, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-185

Resolution of findings of advisability and Resolution authorizing improving Castle Rock from the north line of Lot 3, Block C, north to the south line of 24th Street North; on 24th Street North from the west line of Castle Rock East to the east line of Lot 17, Block E; on Burning Tree from the north line of Lot 16, Block A, to the east line of Castle Rock; on Camden Chase from the west line of Castle Rock to the east line of Burning Tree; on Burning Tree from the south line of Camden Chase North to the north line of Lot 17, Block D; on Camden Chase from the west line of Burning Tree to the west line of the Plat; and on Spring Hollow Street from the west line of Castle Rock, north to the north line of Lot 6, Block D. Sidewalk be constructed along one side of Castle Rock, Burning Tree, 24th Street North, Camden Chase and Spring Hollow Street, 472-83974, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-186

Resolution of findings of advisability and Resolution authorizing improving Burning Tree from the north line of Lot 17, Block D, north to the south line of Mainsgate; on Mainsgate from the west line of Burning Tree East to the west line of Split Rail; on Spring Hollow Street from the north line of Lot 6, Block D, north to the south line of Mainsgate; on Split Rail from the north line of Mainsgate, south to the east line of Lot 15, Block I; on Split Rail Cir. From the west line of Split Rail, south to the north line of Lot 16, Block I; and on 24th Street North from the east line of Lot 17, Block E, east to the east line of Lot 21, Block F. Sidewalk to be constructed along one side of Burning Tree, Mainsgate, Spring Hollow Street, Split Rail, Split Rail Cir., and 24th Street North, 472-83975, (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-187

Resolution of findings of advisability and Resolution authorizing improving Camden Chase from the east line of Lot 15, Block 1, east to the west line of North Springdale Drive; on North Springdale Drive from the south line of Camden Chase, north to the south line of 24th Street North; on 24th Street North from the east line of Lot 21, Block F, east to the east line of the Plat, and on Quincy from the north line of 24th Street North, north to and including the cul-de-sac. On Springdale Cir., from the north line of 24th Street North to and including the cul-de-sac. Sidewalk to be constructed along one side of Camden Chase, N. Springdale Dr., 24th Street North, and Quincy, 472-83976 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DED 2004-10 & 11

DED 2004-10 & 11-DEDICATION OF STREET RIGHT-OF-WAY AND DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED ON THE EAST SIDE OF SHERIDAN AND NORTH OF NINTH STREET. (DISTRICT VI)

Agenda Report No. 04-0403

MAPC Recommendation: Accept the Dedications.

As requirements of Lot Split Case No. SUB 2004-21, these dedications are being submitted for additional street right-of-way along Sheridan and for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

VAC 2004-00004

VAC2004-00004-REQUEST TO VACATE A PORTION OF PLATTED SETBACKS. GENERALLY LOCATED MIDWAY BETWEEN 53RD STREET NORTH AND THE K-96 -IH 235, WEST OF MERIDIAN AVENUE, MORE SPECIFICALLY SOUTHWEST OF THE KEYWEST STREET-MERIDIAN AVENUE INTERSECTION, THE CORNER LOT ON BENTBAY STREET AND BAJA STREET AND THE CORNER LOT OF TIMBERCREEK STREET AND BAJA STREET. (DISTRICT VI)

Agenda Report No. 04-0404

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting vacation of 5-feet of the platted 25-foot front yard setbacks on Lots 5 & 12, Block 3, The Moorings Addition. The Moorings Addition was recorded November 2, 1977.

Both sites are corner lots, with the front yard following the radius of the street. The applicant proposes to build a house on each lot. The UZC's standard for a front yard setback for the "SF-5" zoning district is 25-feet. If the front setbacks were not platted, the applicant could have applied for an administrative adjustment to reduce the 25-foot setback by 20 percent; a 5-foot reduction, which is what the applicant's are requesting. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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Z-3179/ZON2000-00027 CORRECTIVE ORDINANCE FOR Z-3179 AND ZON2000-00027 ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE, LIMITED COMMERCIAL AND MULTI-FAMILY RESIDENTIAL. (DISTRICT II)

Agenda Report No. 04-0405

Z-3179, zone change from "TF-3" Two-family Residential to "B" Multi-family Residential, associated with DP-154 Amendment #2, located approximately 1/8 mile south of 21st Street North, east of Webb Road was approved by Wichita City Council on November 7, 1995. The zone change approved was for "BB" Office District for Parcel 7 and "B" Multi-family Residential for Parcel 6 on the DP-154 Hanley Residential Community Unit Plan Amendment #2. The property was replatted as Hanley Second Addition, recorded May 20, 1998. Parcel 6 plus the abutting right-of-way of Shadybrook vacated by Hanley Second Addition was platted as Lot 2. Parcel 7 plus the abutting right-of-way of Shadybrook vacated by Hanley Second Addition was platted as Lot 1. Reserve A was included within Parcel 6 on the C.U.P.

In 2000, another zone change was requested for the same C.U.P. ZON2000-00027 was approved for a zone change from "B" Multi-family Residential to "GO" General Office for Parcel 6 and from "GO" General Office to "LC" for Parcel 7 by Wichita City Council on August 22, 2000. The boundaries of Parcels 6 and 7 were modified slightly by Amendment #3. Reserve A was not included in the zone change.

Ordinance No. 44-694 was published August 11, 2000. This ordinance erred by including Lot 3 (Parcels 2 and 3 of DP-154 Amendment #2) and Lot 4 (Parcel 1 on DP-154 Amendment #2) as part of the zone change from "TF-3" Two-family Residential to "B" Multi-family Residential. Although Lots 3 and 4 were originally part of the rezoning request, they had been withdrawn by the applicant prior to the MAPC hearing and were not part of WCC motion. They should have remained zoned "TF-3" Two-family Residential.

In addition, Ordinance No. 44-694 changed Lot 1 (DP-154 Parcel 7) to "B" Multi-family Residential, but the WCC motion was to zone it "BB" Office District. "BB" is equivalent to the current "GO" General Office zoning district under the Unified Zoning Code adopted subsequent to the WCC action on this case.

Ordinance No. 44-708 was published September 16, 2000. The legal description was in error by not incorporating the boundary shifts to Lot 1 and Lot 2, Block 1, Hanley Second Addition to correspond to the new boundaries of Parcels 6 and 7.

The errors in both of these ordinances can be corrected by repealing the ordinances and combining both actions into one new zoning ordinance. The ordinance grants rezoning to "GO" General Office and "LC" limited commercial on Lots 1 and 2 and "B" Multi-family Residential to Reserve A as originally intended.

Development of Parcels 6 and 7 have proceeded in accordance with DP-154 requirements. The corrective ordinance should not affect any of the existing development or create any non-forming status with respect to the Unified Zoning Code.

The ordinance has been reviewed and approved as to form by the City Attorney.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (Z-3179/ZON2000-00027)

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A04-13

A04-13 - REQUEST BY SOCORA HOMES, INC. TO ANNEX LAND LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF 29TH STREET NORTH AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0406

The City has received a request to annex 142 acres of land generally located northeast of the intersection of 29th Street North and 119th Street West. The annexation area abuts the City of Wichita to the east and south of the property. The property owner plans to develop the site with a total of 232 single-family residential lots and 38 patio homes.

Land Use and Zoning: The proposed annexation consists of 142 acres zoned "SF-20" Single Family, currently in agricultural use. The north half of the properties to the east of the proposed annexation are in the City of Maize and are currently in agricultural use. The south half of the properties to the east of the proposed annexation are within the City of Wichita, zoned "SF-5" Single Family Residential and in agricultural use. The properties to the south of the proposed annexation area are in the City of Wichita, currently zoned "LC" Local Commercial or "SF-20" Single Family Residential, and are in agricultural or suburban residential use. Properties to the west and north of the proposed annexation area are in the City of Maize and in agricultural use.

Public Services: No water or sewer services are currently provided to the proposed annexation area. As part of platting the property owner is required to petition for construction of water distribution, sewer main, and sewer lateral systems. City staff is re currently working with the developer's engineer on sewer main extension issues. Sewer lines will run east of the proposed property and waterlines run along 29th Street to the south of the proposed annexation.

Street System: The subject property fronts on 119th Street West and 29th Street North. Currently, 119th Street West and 29th Street North are two-lane paved county roads. The City of Wichita Capital Improvement Program 2004-2013 draft currently calls for improvements to both 119th Street and 29th Street in 2010 and 2005 respectively. Both streets are to be widened to four lane arterials. In addition, the Sedgwick County Transportation Improvement Plan 2004-2008 draft calls for 119th Street to be repaved from 29th to 53rd Street North in 2007. Left turn lanes along 119th Street will be required of the developer as a condition of platting approval, along with a contingent left-turn lane along 29th Street.

Public Safety: Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 16 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 1632 N. Tyler.

Parks: Sunset Park, a 19.3 acre park, is located 5 miles southeast of the proposed annexation site. A pathway is proposed one mile to the east of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$51,350, with a total assessed value of \$5,905. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$185 in City annual tax revenues for the property. The owner has proposed the development of 232 single-family lots and 38 patio homes on the site within the next 10 years but does not currently have an estimated total value. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy.

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The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
-- carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 04-13

RECESS

--carried

Mayans moved that the City Council recess into Executive Session at 12:00 p.m. to consider: Consultation with legal counsel on matters privileged in the Attorney-Client Relationship relating to: pending litigation and legal advice and that the Council return from Executive Session no earlier than 12:15 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

RECONVENED

Council reconvened in the Council Chambers at 12:15 p.m. and Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to adjourn the Executive Session at 12:16 p.m. Motion carried 4 to 0. (Gray, Lambke and Fearey; absent).

Motion--carried

Mayans moved to adjourn the Regular Meeting at 12:17 p.m. Motion carried 4 to 0. (Gray, Lambke and Fearey; absent).

Adjournment

The meeting adjourned at 12:17 p.m.

Karen Schofield
City Clerk

Workshop to follow